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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,532	02/08/2001	Fernando De Oliveira	1000-0213	2691

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

11

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/781,532

Applicant(s)

DE OLIVERIA

Examiner

Joy K Contee

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4-7,9-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 6-7,14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 16, 2004 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2,4,5,9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by *Lamb et al.*, U.S. Patent 6,026,298 ("*Lamb*").

As pertaining to **claim 2**, *Lamb* teaches a method in a cellular telecommunications network of constructing a list of cells comprising at least one cell in which network resources are to be allocated to perform a requested service (see

*Lamb*, col. 4, lines 13-46, *Lamb* describes that in his method a list of all the capabilities of the various MSCs is stored), said method comprising the steps of:

determining by a MSC (i.e., reads on capability of Service Control Point (SCP 122)) which includes HLR and MSC, see Fig. 1) each particular cell's capability to provide the requested service (see *Lamb*, col. 2, lines 20-46 and 6 lines 13-46); and

building a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7 lines 30-48;

wherein the cell list includes the at least a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

As pertaining to **claim 4**, in *Lamb*'s method the network resources are paging resources for paging a mobile station, and the step of determining each particular cell's capability to provide the requested service includes determining the capability of each particular cell in a location area (LA) to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 5**, *Lamb*'s method further comprises paging for the mobile station only in the cells of the LA that can provide the requested service. See *Lamb*, col. 3, lines 46-49.

As pertaining to **claim 9**, *Lamb* teaches a MSC (i.e., reads on SCP 122) for constructing a list of cells comprising at least one cell in which network resources are allocated to perform a requested service and a system for allocating network resources in a cellular telecommunications network to perform a requested service (see *Lamb*, abstract, and col. 7, lines 30-48), said MSC comprising:

a capabilities database that stores information identifying each particular cell's capability to provide each of a plurality of services (see *Lamb*, col. 4, lines 13-46); and

a processor that compares the requested service to the information stored in the capabilities database for each cell in order to determine each cell's capability to provide the requested service (see *Lamb*, col. 6 lines 13-46); and

a resource controller that builds a cell list comprising at least one cell in which network resources are to be allocated to perform a requested service and allocates network resources only in the cells that can provide the requested service; and

wherein the cell list includes the at least a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

As pertaining to **claim 10**, in *Lamb's* MSC or SCP the network resources are paging resources for paging a mobile station, and the step of determining each particular cell's capability to provide the requested service includes determining the capability of each particular cell in a location area (LA) to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 11**, in *Lamb's* MSC or SCP the processor compares the requested service to the information stored in the capabilities database for each cell in the LA in order to determine the capability of each cell in the LA to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

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As pertaining to **claim 12**, *Lamb's MSC or SCP* further comprises a cell list database that stores cell lists comprised only of cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

### **Allowable Subject Matter**

4. Claims 6-7 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
Joy Contee

January 22, 2004

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**